

GRIEVANCE PROCEDURE FOR ALLEGED NONCOMPLIANCE WITH THE PROVISIONS OF SECTION 504 OF THE REHABILITATION ACT OF 1973, TITLE IX, OR FAIR EMPLOYMENT PRACTICES

A. INFORMAL PROCEDURE

If an otherwise qualified handicapped student, employee, or participant feels that (s)he may have been excluded from participation in, been denied the benefits of, or been subjected to, discrimination under any program or activity receiving federal financial assistance solely by reason of his (her) handicap, sex, age, religion, gender identity or national origin, (s)he may first discuss the matter with the building Principal or the Coordinator of 504 activities, in an effort to resolve the problem informally.

B. FORMAL PROCEDURE

1. If the aggrieved party is not satisfied with the disposition of his (her) grievance at the informal procedure, (s)he may, within three (3) working days after receiving the decision, file his (her) written grievance with the Superintendent of Schools. The Superintendent, or the Superintendent's designate, shall, within five (5) working days after receipt of the grievance, meet with the aggrieved party. A full and accurate record of such hearing shall be kept by the Superintendent of Schools and made available to the aggrieved party.
2. If the aggrieved party is not satisfied with the disposition of the grievance (s)he may, within six (6) working days after receipt of the decision, appeal to the Board of Education. The Board of Education shall, within ten (10) working days after receipt of the appeal, meet with the aggrieved party for the purpose of resolving the grievance. A full and accurate record of such hearing(s) shall be kept by the Board of Education and made available to the party of intent. The Board shall, within three (3) working days after such meeting, render in writing its decision and the reasons therefore to the aggrieved party.
3. If the aggrieved party is dissatisfied with the decision rendered by the Board of Education, (s)he may seek remedy by filing, or having a representative file, a complaint with the Department of Health, Education and Welfare. A complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the responsible Department official or officials' designee.

(cf. 4111-Recruitment and Selection)
(cf. 4111.1/4211.1 – Affirmative Action)
(cf. 4118.11 – Nondiscrimination)
(cf. 4118.111 – Grievance Procedure-Title IX)
(cf. 4118.113/4218.113 – Harassment)
(cf. 5145.4 – Nondiscrimination)
(cf. 5145.5 – Sexual Harassment)

(cf. 5145.51 – Peer Sexual Harassment)
(cf. 5145.52 – Harassment)
(cf. 5145.6 – Student Grievance Procedure)
(cf. 6121 – Nondiscrimination)
(cf. 6121.1 – Equal Educational Opportunity)

Legal Reference:

Title VII, Civil Rights Act, 42 U.S.C. 2000e, et seq.
29 CFR 1604.11, EEOC Guidelines on Sex Discrimination.
Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq.
4 CFR Section 106.8(b), OCR Guidelines for Title IX.
Definitions, OCR Guidelines on Sexual Harassment, Red. Reg. Vol 62, #49, 29
CFR Sec. 1606.8 (a0 62 Fed Reg. 12033 (March 13, 1997) and 66 Fed. Reg. 5512 (Jan 19, 2001)
Meritor Savings Bank. FSB v. Vinson, 477 U.S. 57 (1986)
Faragher v. City of Boca Raton, No. 97-282 (U.S. Supreme Court, June 26, 1998)
Gebbs v. Lago Vista Indiana School District, No. 99-1866, (U.S. Sup Court, May 24, 1999.)
Davis v. Monro County Board of Education, No. 97-843, (U.S. Supreme Court, May 24, 1999.)

Connecticut General Statutes:

46a-60 Discriminatory employment practices prohibited.
10-15c Discrimination in public schools prohibited. School attendance by five-year olds.
(Amended by
P.A. 97-247 to include “sexual orientation”)
10-153 Discrimination on account of marital status.
17a-101 Protection of children from abuse.
The Americans with Disabilities Act as amended by the ADA Amendments Act of 2008
Meacham v. Knolls Atomic Power Laboratory 128 S.Ct. 2395, 76 U.S.L.W. 4488 (2008)
Federal Express Corporation v. Holowecki 128 S.Ct. 1147, 76 U.S.L.W. 4110 (2008)
Kentucky Retirement Systems v. EEOC 128 S.Ct. 2361, 76 U.S.L.W. 4503 (2008)
Sprint/United Management Co. v. Mendelsohn 128 S.Ct. 1140, 76 U.S.L.W. 4107 (2008)

Approved by the Salisbury Board of Education: May 20, 2019